

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 7-145, RELATIVE TO URBAN
CHICKENS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That a new Section 7-145 is added to the Chattanooga City Code for the
regulation and keeping of urban chickens which shall state as follows:

Sec. 7-145 Urban chickens.

- (a) *Purpose.* The purpose of this provision is to provide standards for the keeping of urban chickens. It is intended to enable residents to keep a small number of female chickens (hereinafter “laying hens” on a noncommercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The city recognizes that adverse neighborhood impacts may result from the keeping of urban chickens as a result of noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, parasites and non-confined animals leaving the owner’s property. This section is intended to create licensing standards and requirements on a trial basis to determine that urban chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.
- (b) *Permit required.* An annual permit is required for any person keeping any urban chickens within the City of Chattanooga which may be purchased from the McKamey Animal Center or other designee of the City of Chattanooga (hereinafter, “Permitting Entity”).
 - 1) An annual permit to keep chickens is personal to the permittee and may not be assigned to any other person. In addition, the permit authorizes the keeping of chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the chickens are kept as the permittee’s personal, primary

residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one (1) permit is allowed per permittee. In the event that the permittee is absent from the property for thirty (30) days, the permit automatically shall terminate and become void. The issuance of a permit does not create a vested right to renewal of the permit beyond the stated term thereof;

- 2) The first permit year shall extend from the date of issuance through December 31st. Thereafter the permit year shall be January 1 through December 31.
- (c) *Fees.* The initial fee for an annual permit to keep chickens will be fifty dollars (\$50) for review and inspection of the coop for confinement of chickens required by this ordinance. After the initial review and inspection there shall be an annual renewal fee for a permit in the amount of twenty dollars (\$20). Fees for annual permits to keep chickens shall be paid to Permitting Entity to defer the review and inspection costs associated with this ordinance.
- (d) *Chicken Keeping Class* – The Permitting Entity may provide educational classes which may be completed annually as an incentive to reduce the annual fee created by this ordinance.
- (e) *Application for permit.* Every applicant for a permit to keep urban hens shall:
- 1) Complete and file an application on a form prescribed by the Permitting Entity;
 - 2) Provide proof of completion of an approved Chicken Keeping Class (if applicable); and
 - 3) Deposit the prescribed permit fee with the Permitting Entity at the time the application is filed. Any material misstatement or omission shall be grounds for denial, suspension or revocation of the permit.
- (f) *Approval of permit.* All applications for an urban chicken permit shall be submitted to the Permitting Entity for review and inspection within 30 days after an application is filed. After review and inspection the Permitting Entity shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this ordinance.
- (g) *Denial, suspension or revocation of permit.* The Permitting Entity shall deny a permit if the applicant has not demonstrated compliance with all provisions of this section. A permit to keep

urban hens may be suspended or revoked by the Permitting Entity where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions in this section or with the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification to the applicant of the right to and procedure for appeals.

(h) *Number and type of chickens allowed in all residential zones.*

- 1) Up to ten (10) laying hens are allowed for any single family dwelling. In the case of multifamily residential zone without individually owned back yards, the maximum number of chickens allowed is ten (10) per complex to be maintained on common property; and
- 2) Only female chickens (hereinafter “laying hens”) are allowed. No roosters shall be allowed to be kept in any zone other than A-1 agricultural zone. There is no restriction on urban chicken breeds. However, it shall be unlawful for any person to keep ducks, geese or other fowl and poultry, other than urban chickens.

(i) *Noncommercial use only.* Hens shall be kept for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. No urban hens shall be used or trained for the purpose of fighting for amusement, sport, or financial gain.

(j) *Fenced enclosures and henhouses.*

- 1) Hens must be kept in a fenced enclosure at all times. The fenced enclosure must be either: (i) covered or (ii) at least forty-two (42) inches high, in which case, all hens must be wing-clipped to prevent escape. Hens shall be secured within the henhouse during non-daylight hours;
- 2) In addition to the fenced enclosure, hens shall be provided with a covered, predator-resistant henhouse;
- 3) A minimum of two (2) square feet per hen shall be provided for henhouses and six (6) square feet per bird for fenced enclosures;
- 4) Fenced enclosures and henhouses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact;

- 5) The henhouse and fenced enclosure must provide adequate ventilation and adequate sun and shade, and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats;
 - 6) Henhouses shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator- and bird resistant wire of less than (1) inch openings;
 - 7) The henhouse shall be well-maintained and there shall be no outside slaughtering of any chickens in the City;
 - 8) Henhouses shall be located in compliance with the City of Chattanooga Zoning Regulations;
 - 9) Neither the henhouse nor the fenced enclosure may be located less than ten (10) feet from any abutting property line; and
 - 10) Henhouses and enclosures shall not be permitted in front yards.
- (k) *Food storage and removal.* All stored food for the laying hens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- (l) *Waste storage and removal.* Provision must be made for the storage and removal of chicken manure. All manure for composting or fertilizing shall be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing shall be removed. In addition, the henhouse and surrounding area must be kept free from trash and accumulated droppings.
- (m) *All other rules of this code apply.* In addition to the standards set forth in this ordinance, the permittee must follow all other applicable rules for the keeping of animals included in this chapter.
- (n) *Penalty.* In addition to any other enforcement action which the city may take, violation of any provision of this section shall be a civil violation and a fine not exceeding fifty dollars (\$50.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

- (o) *Severability.* In the event that any portion of this section shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other portion of this section.
- (p) This ordinance shall be effective for one (1) year following the date of its enactment to allow consideration for the continued permissive use of urban chickens within single family residential zones and multifamily residential zones within the City of Chattanooga on a trial basis. There shall be a sunset on the keeping of urban chickens within the City on or before June 1, 2014, unless this ordinance is approved to be extended by the City Council at that time. No use of keeping urban chickens as allowed by this ordinance shall be permitted as a legal nonconforming use within the City after June 1, 2014, unless the City Council approves such use at that time.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage, as provided by law.

Passed on second and final reading:_____

CHAIRPERSON

APPROVED:_____ DISAPPROVED:_____

MAYOR

PAN/mms